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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,312	10/15/2003	Carl D. Contadini	24044-205B	7253

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EXAMINER

LAI, ANNE VIET NGA

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,312

Applicant(s)

CONTADINI, CARL D.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 21, 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Matsumoto** [US. 6,280,587].

In claim 1, **Matsumoto** discloses a device that includes at least one consumable source that decreases in effectiveness over time (electrode is consumable; col. 17, lines 27-30), the device comprising:

a timer, operatively coupled to the consumable source, for maintaining the cumulative duration that the at least one consumable source is in use (timer 60, fig. 32; col. 27, l. 29-30);

an effectiveness indicator, operatively coupled to the timer, for indicating when the timer has reached a preset duration (electrode-replacement-timing indicator 69, calibration timing indicator 68, fig. 32);

a controller, operatively coupled to the timer and the effectiveness indicator, for receiving one or more signals from the timer and transmitting one or more other signals to the effectiveness indicator, the one or more other signals being based on the one or

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more signals from the timer to the controller (data processor; col. 17, line 38- col. 18, line 3; col. 27, line 9- col. 28, line 52); and

an operational indicator, operatively coupled to the controller, for indicating when the consumable source is in use (67, fig. 32);

wherein the controller independently controls the effectiveness indicator 69 and the operational indicator 67 for causing the operational indicator to indicate that the consumable source is in use (operation indicator 67) while simultaneously causing the effectiveness indicator to indicate an effectiveness of the consumable source that decreases in effectiveness over time (timer 60, time indicator 62, calibration-timing indicator 68, electrode-replacement-timing indicator 69; fig. 32; col. 27, line 9- col. 28, line 52; col. 28, lines 12-52).

In claims 4 and 8, **Matsumoto** discloses plural types of audio/visual indicating means (voice, beep, light, vibration, color, graphic; col. 27, lines 21-24).

In claim 5, **Matsumoto** discloses a service indicator for indicating a need for servicing by an individual, wherein the service indicator is at least one of visual or audible, and the need for servicing is based on the one or more signals from the timer to the controller (calibration timing indicator 68, electrode-replacement-timing indicator 69, fig. 32; col. 27, line 9- col. 28, line 52).

3. Claims 9, 12-14 and 16-17 are rejected under 35 U.S.C. 102(a) as being anticipated by **Harris** [US. 6,680,028].

In claim 9, **Harris** discloses a device that includes at least one consumable source that decreases in effectiveness over time (filter pack, UV light source; fig. 5), the device comprising:

a sensor, operatively coupled to the consumable source, for sensing the effectiveness of the at least one consumable source (digital clock, pressure sensor for filter pack, and UV radiation sensor; col. 3, l. 51-57; claims 1f, 1h); and

an indicator, operatively coupled to the sensor, for indicating an effectiveness of the at least one consumable source (45, 46; fig. 5; col. 5, lines 25-31; claims 1f, 1h);

a controller, operatively coupled to the sensor and the effectiveness indicator, for processing sensor signals to operate the indicator accordingly (operation controls, col. 4, l. 64- col. 5, l. 50) ; and

an operational indicator, operatively coupled to the controller, for indicating when the consumable source is in use (display various operating conditions, col. 3, l. 42-43; indicating on/off condition of the UV light, col. 5, l. 55-57; fig. 5, UV light OK, filter OK);

wherein the controller independently controls the effectiveness indicator and the operational indicator for causing the operational indicator to indicate that the consumable source is in use (fig. 5, UV light OK, filter OK, purifier ON) while simultaneously causing the effectiveness indicator to indicate an effectiveness of the consumable source that decreases in effectiveness over time (fig. 5, UV light Replace, Filter Replace, Digital Clock and Time set; col. 3, l. 51-57).

In claims 12 and 16, **Harris** discloses visual indication (fig. 5).

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In claim 13, **Harris** discloses a service indicator (fig. 5, UV light Replace, Filter Replace).

In claim 14, **Harris** discloses consumable source is a light source (UV light; Fig. 5).

In claim 17, **Harris** discloses the sensor includes a timer (digital clock with time set, fig. 5; col. 3, l. 53-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Matsumoto** in view of **Studer** [US. 2004/0200129].

In claims 6 and 7, **Matsumoto** consumable source are not a light source or an adhesive surface. **Studer** (fig. 6) teaches a device comprising a controller in connection with a timer and an indicator for displaying time, status and operation maintenance required; the consumable sources in Studer's device are light source and adhesive surface (fig. 6; par. 0021, 0028, 0033-0035, 0040). It would have been obvious an ordinary skill in the art can select a particular consumable source as needed for a particular type of application.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Harris** in view of **Studer**.

In claim 15, **Harris** does not disclose consumable source is an adhesive surface; **Studer** teaches an adhesive surface can be a consumable source in a particular type of application. It would have been obvious to an ordinary skill in the art, a designer can select a particular consumable source as needed for a particular type of application.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Harris** in view of **Matschke** [US. 5,216,251]

In claim 18, **Harris** device comprising a motor blower and UV source to kill germs in the air and a plurality of indicators; Similarly, **Matschke** teaches a germicidal hand dryer comprising a fan, a plurality of UV light sources and plurality of indicators for indicating the operation of the dryer (col. 7, l. 14-17). In light of Harris teaching, it would have been obvious to an ordinary skill in the art to implement the hand dryer of Matschke with operational, effectiveness and service indicators in order to help the user in maintaining the well functioning and the efficiency of the device.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 4-9, 12-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bridgen teaches using a moving coil meter to give direct visual indication of the intensity of a consumable UV source (col. 3, l. 19-23). [US. 4,629,896]

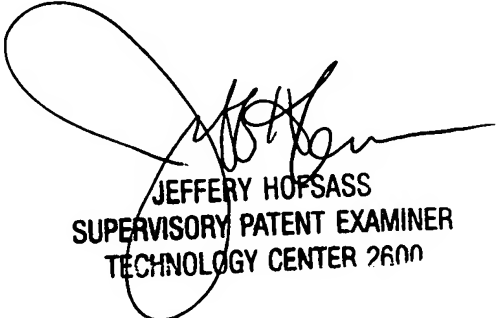
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVL
03/03/06



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